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1-29-03
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA A. WILHELM,

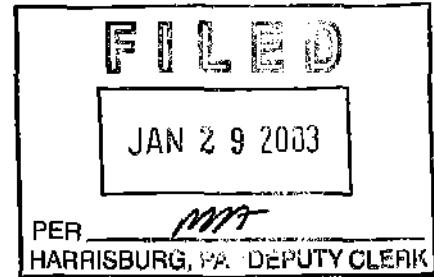
CIVIL NO. 1:CV-01-1057

Plaintiff

v.

**COMMONWEALTH OF
PENNSYLVANIA; PENNSYLVANIA
STATE POLICE; COL. PAUL J.
EVANKO, COMMISSIONER;
LT. COL. THOMAS K. COURY;
and CPT. MICHAEL D. SIMMERS,**

Defendants



ORDER

The background of this order is as follows: On January 29, 2003, the court held a telephone conference to discuss whether Defendants would be permitted to present testimony from three witnesses: (1) Christopher Lynn; (2) Leeanne Ford; and (3) Raymond Osis. It appears that Defense counsel did not notify Plaintiff until January 24, 2003 that Defendants wished to call these three witnesses at the equity hearing scheduled for January 31, 2003. The discovery deadline for the equity hearing was January 18, 2003. Because Defense counsel did not identify these witnesses until after the close of discovery pertaining to the equity phase, the court will not allow Defendants to call these witnesses during their case-in-chief. However, nothing precludes Defendants from calling any of these witnesses to rebut testimony of any of Plaintiff's witnesses.

During this same telephone conference, Defense counsel requested that the court delay the equity trial in order to refer the matter to a magistrate judge or mediator for settlement discussions. Plaintiff's counsel, however, indicated that his

client did not wish to delay the equity trial and, in any event, she would no longer participate in settlement discussions. A request for a settlement conference, two days prior to the equity trial, would only further delay the resolution of this matter. The court, therefore, is not inclined to grant the request. Accordingly, the court will deny Defendants' request.

IT IS SO ORDERED.



Sylvia H. RAMBO
United States District Judge

Dated: January 29, 2003.